

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS - WESTERN DIVISION

Civil Action No: 3:17cv30031

JANETTE HERNANDEZ PAGAN, PPA

F.H., a minor,

Plaintiff

v.

CITY OF HOLYOKE, A MUNICIPAL CORPORATION,

Officer THOMAS J. LEAHY, Officer JAMES DUNN,

Officer JABET LOPEZ,

Defendants

DEFENDANTS' OPPOSITION TO PLAINTIFF'S MOTION TO ENFORCE
SETTLEMENT AGREEMENT AND SANCTIONS (Doc. 112)

The Defendants oppose the PLAINTIFF'S MOTION TO ENFORCE SETTLEMENT AGREEMENT, IMPOSE SANCTIONS AND AWARD ATTORNEY'S FEES AGAINST CITY OF HOLYOKE (Doc. 112) for the following reasons.

The City of Holyoke agrees that the settlement agreement is valid and enforceable. It does, however, oppose the imposition of sanctions, costs or attorney's fees as such a request is premature, unnecessary and not supported by law.

Fundamentally, “a district court may invoke its inherent powers to impose attorney fees upon a party that acts in bad faith, vexatiously, wantonly, or for oppressive reasons during litigation.” *Tocci v. Antioch Univ.*, 967 F. Supp. 2d 1176, 1180 (S.D. Ohio 2013) (citing *Alyeska Pipeline*, 421 U.S. 240, 258-259 (1975)) (internal quotations omitted). No such untoward behavior on behalf of the City of Holyoke exists in this case.

Wherefore, the Defendants request that the PLAINTIFF’S MOTION TO ENFORCE SETTLEMENT AGREEMENT, IMPOSE SANCTIONS AND AWARD ATTORNEY’S FEES AGAINST CITY OF HOLYOKE be denied.

The Defendants submit a memorandum of law in support of this opposition.

Respectfully submitted:

/s/ Charles J. Emma,
Charles J. Emma BBO # 542126
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Dated: December 24, 2019
Counsel for the Defendants City of Holyoke, A Municipal Corporation,
Officer Thomas J. Leahy and Officer James Dunn

Officer Jabet Lopez by:
/s/Austin M. Joyce
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CERTIFICATE OF SERVICE

(for: DEFENDANTS’ OPPOSITION TO PLAINTIFF’S MOTION TO ENFORCE
SETTLEMENT AGREEMENT AND SANCTIONS (Doc. 112))

I, Charles J. Emma, do hereby certify that on December 24, 2019 I served DEFENDANTS' OPPOSITION TO PLAINTIFF'S MOTION TO ENFORCE SETTLEMENT AGREEMENT AND SANCTIONS (Doc. 112) by filing through the ECF system and notice will be sent electronically to the registered participants as identified on the notice of electronic filing (NEF).

/s/ Charles J. Emma, Counsel for the Defendants
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Dated: 12-24-19